

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2006 MAR -6 P 2:51
NO. 05-11738-EFH
DISTRICT COURT
DISTRICT OF MASS.

Brendan M. McGuinness, PRO SE,
Plaintiff,

vs.

James R. Bender, et al.,
Defendants.

PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT.

Now comes the plaintiff, Brendan M. McGuinness, PRO SE, to respectfully request that this Honorable Court enter judgment in his favor pursuant to Fed. R. Civ. P. 56 on certain claims asserted in his Amended Complaint with regard to the Department of Correction defendants. As reasons in support hereof, the plaintiff would argue that the issues in question are either not in dispute or cannot truly be disputed, and that he is entitled to judgment in his favor as a matter of law. Attached is a memorandum of law detailing the issues upon which judgment is sought, along with an affidavit, exhibits, etc.

WHEREFORE, this motion should be allowed for cause shown and an order entered declaring plaintiff's five (5) year sentence to the Departmental Disciplinary Unit null and void whereas it was imposed in violation of his substantive due process rights as a pretrial detainee.

RESPECTFULLY SUBMITTED, PRO SE.

DATE: 2/28/06

Brendan McGuinness
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